

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DISTRICT**

In re:) Case No. 17-17361
)
RICHARD M. OSBORNE,) Chapter 7
)
Debtor.) Judge Arthur I. Harris

**TRUSTEE'S MOTION FOR PRODUCTION OF DOCUMENTS BY
CNB BANK, INC.**

Kari B. Coniglio (the “Trustee”), the chapter 7 trustee for the bankruptcy estate of Richard M. Osborne (the “Debtor”), moves for an order requiring CNB Bank, Inc.(“CNB”) to produce certain documents on or before Wednesday, March 11, 2020 at 5:00 PM ET or another date and time that is mutually agreeable to the Trustee and CNB.

Rule 2004(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) provides for the production of documents on issuance of an appropriate subpoena in accordance with Rule 45 of the Federal Rules of Civil Procedure (the “Rules”), which is made applicable to this proceeding by Bankruptcy Rule 9016. The Trustee is prepared to issue a subpoena requesting the production of documents identified on Exhibit 1 in accordance with Bankruptcy Rule 9016 on entry of an order pursuant to Bankruptcy Rule 2004.

The Trustee thus seeks documents in CNB’s possession and control related to the financial affairs of the Debtor, property of the Debtor’s estate, and matters which may affect the administration of the estate. Specifically, the documents requested by the Trustee seek information relating to accounts with CNB, loans and loan sales between CNB and the Debtor or entities in which the Debtor has a membership interest, and transcripts of testimony given by the Debtor or related persons concerning property of the Debtor or entities in which the Debtor has a membership interest. The specific documents requested are identified on Exhibit 1.

The documents in CNB's possession and control are necessary for the Trustee to administer the Debtor's estate. According to Schedule A/B, the Debtor has an interest in over one hundred properties and has membership interests in over two hundred entities, some of which own real property. The Trustee has learned that the Debtor ignored business formalities, transferring money and property between the entities with little documentation. With the information requested in this request for documents, the Trustee can better understand the Debtor's financial condition.

WHEREFORE, the Trustee requests that the Court (1) order CNB to produce to the Trustee at 200 Public Square, Suite 1400, Cleveland, Ohio 44114 the documents requested in connection with the subpoena on or before **Wednesday, March 11, 2020 at 5:00 PM ET** or another date and time that is mutually agreeable to the Trustee and CNB, and (2) deem the provisions of Rule 45(a)(4) satisfied by the filing of this motion.

Respectfully submitted,

/s/ Patrick R. Akers

Drew T. Parobek (0016785)
Elia O. Woyt (0074109)
Carrie M. Brosius (0075484)
Patrick R. Akers (0095985)
VORYS, SATTER, SEYMOUR AND PEASE LLP
200 Public Square, Suite 1400
Cleveland, Ohio 44114
(216) 479-6100
(216) 479-6060 (facsimile)
dtparobek@vorys.com
eowoyt@vorys.com
cmbrosius@vorys.com
prakers@vorys.com

Counsel to the Trustee

CERTIFICATE OF SERVICE

I certify that on February 11, 2020, a copy of the foregoing *Trustee's Motion for Production of Documents by CNB Bank, Inc.* was served via the Court's Electronic Case Filing System on the following who are listed on the Court's Electronic Mail Notice List:

- Patrick R. Akers, prakers@vorys.com
- Gregory P. Amend, gamend@bdblaw.com
- Alison L. Archer, alison.archer@ohioattorneygeneral.gov
- Richard M. Bain, rbain@meyersroman.com
- Adam S. Baker, abakerlaw@sbcglobal.net,
- Austin B. Barnes, III, abarnes@sandhu-law.com
- Robert D. Barr, rbar@koehler.law
- David T. Brady, DBrady@Sandhu-Law.com
- Carrie M. Brosius, cmbrosius@vorys.com
- Kari B. Coniglio, kbconiglio@vorys.com
- LeAnn E. Covey, bknotice@clunkhoose.com
- Gregory M. Dennin, greg@gmdlplaw.com
- Richard W. DiBella, rdibella@dgmlblaw.com
- Melody A. Dugic, mgazda@hendersoncovington.com
- Bryan J. Farkas, bjfarkas@vorys.com
- Scott D. Fink, ecfnndo@weltman.com
- Stephen R. Franks, amps@manleydeas.com
- Stephen John Futterer, sjfutterer@sbcglobal.net
- Michael R. Hamed, mhamed@kushnerhamed.com
- Heather E. Heberlein, hheberlein@bdblaw.com
- Dennis J. Kaselak, dkaselak@peteribold.com
- Christopher J. Klym, bk@hhkwlaw.com
- Matthew H. Matheney, mmatheney@bdblaw.com
- Shannon M. McCormick, bankruptcy@kamancus.com
- Kelly Neal, kelly.neal@bipc.com
- David M. Neumann, dneumann@meyersroman.com
- Timothy P. Palmer, timothy.palmer@bipc.com
- Drew T. Parobek, dtparobek@vorys.com
- Tricia L. Pycraft, tpycraft@ccj.com
- Kirk W. Roessler, kroessler@walterhav.com
- John J. Rutter, jrutter@ralaw.com
- Frederic P. Schwieg, fschwieg@schwieglaw.com
- Michael J. Sikora, III, msikora@sikoralaw.com
- Nathaniel R. Sinn, nsinn@bdblaw.com
- Rachel L. Steinlage, rsteinlage@meyersroman.com
- Andrew M. Tomko, atomko@sandhu-law.com

- Jeffrey C. Toole, toole@buckleyking.com
- Michael S. Tucker, mtucker@ulmer.com
- Phyllis A. Ulrich, bankruptcy@carlisle-law.com
- Leslie E. Wargo, Leslie@Wargo-Law.com
- Elia O. Woyt, eowoyt@vorys.com
- Maria D. Giannirakis, maria.d.giannirakis@usdoj.gov
- Scott R. Belhorn, Scott.R.Belhorn@usdoj.gov

/s/ Patrick R. Akers

Patrick R. Akers (0095985)

Counsel to the Trustee